

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7067

BILL NUMBER: HB 1420

NOTE PREPARED: Jan 10, 2004

BILL AMENDED:

SUBJECT: Credit Time for Crimes Against Children.

FIRST AUTHOR: Rep. Kruse

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: The bill prohibits a person convicted of a crime against a child from receiving credit time.

Effective Date: July 1, 2004.

Explanation of State Expenditures: Under current law, most offenders may receive credit time for good behavior or educational achievement. Under the bill, an offender committing an offense against a child would not be eligible to receive credit time, which reduces the amount of time served in a community transition program, community corrections program, or a prison facility. This bill would increase the number of offenders in the Department of Correction (DOC), beginning in FY 2004 and reaching a stable population by FY 2022. DOC would need an additional 3,825 beds to house these prisoners spread out between FY 2004 and FY 2022, as seen in Table 2.

There are no data available to indicate how many offenders are convicted of crimes in which a person under 18 years of age suffers direct harm. However, there are several crimes that, by name, specifically identify the victim as a child or a minor. Table 1 shows the average annual number of offenders committed to DOC facilities for these crimes between FY 1999 and FY 2003.

Table 1. Average Annual Commitments to Department of Correction Facilities FY 1999 to FY 2003.		
<u>Crime</u>	<u>Crime Class</u>	<u>Average Annual Commitments</u>
Child Molesting	A	82
Sexual Misconduct with a Minor	A	0
Child Molesting	B	139
Incest	B	6
Sexual Misconduct with Minor	B	62
Vicarious Sexual Gratification	B	1
Child Molesting	C	266
Nonsupport of a dependent child	C	52
Sexual Misconduct with a Minor	C	101
Child Exploitation (child pornography in 2003)	D	5
Child Molesting	D	1
Child Seduction	D	3
Child Selling	D	0
Child Solicitation	D	7
Nonsupport of a Child	D	85
Dissemination of matter harmful to minors	D	1
Sexual Misconduct with a Minor	D	16
Total Commitments		827

A snapshot of the prison population on December 15, 2003, indicates that, on average, offenders serving a prison sentence for one of these crimes will serve approximately 8.9 years with credit time and 15.4 years without credit time. Based on these data and the effective date of the bill, the Department would need an additional 3,825 beds to house these prisoners spread out between FY 2004 and FY 2022, as seen in Table 2.

Table 2. Estimated Bed Need and Effective Date.						
Felony Offense	Average Number of Annual Commitments	Years Served Earliest Release Date	Years Served Maximum Release Date	Difference	Additional Beds Needed For Maximum Sentence	Effect Date
Class A	82	22.4	38.7	16.3	1,337	2022
Class B	208	8.4	14.3	5.9	1,227	2009
Class C	419	3.8	6.5	2.7	1,131	2005
Class D	118	1.1	2.2	1.1	130	2004
Total/Average	827	8.9	15.4	6.5	3,825	

In FY 2002, the cost to house prisoners in state correctional facilities was \$26,825, and the cost for food, clothing, and medical care is estimated at about \$1,825 annually. Based on these costs, all things being equal, the additional beds would increase expenditures by about \$171 M. However, these estimates may overstate costs to the extent that some prisoners who receive credit time may return to prison for new offenses anyway.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected:

Information Sources: Department of Correction.

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